

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GERALD D. FIELDS,

Petitioner,

vs.

Civil Action 2:14-cv-1694
Judge Graham
Magistrate Judge King

WARDEN, FRANKLIN MEDICAL CENTER,

Respondent.

ORDER

This habeas corpus action under 28 U.S.C. § 2254 was dismissed, pursuant to the provisions of Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, for failure to state a claim for relief. *Report and Recommendation*, ECF 3; *Order*, ECF 6; *Judgment*, ECF 7. This matter is now before the Court on petitioner's motion to reconsider that dismissal. *Motion for Reconsideration*, ECF 11.

The *Petition* alleged, "Violation of the Fourth and Fourteenth Amendments. No substantive law of record filed in this matter." *Id.* at PAGEID# 8. In dismissing the action, the Court reasoned that the *Petition* contained no factual allegations demonstrating that petitioner is in custody in violation of the Constitution or laws of the United States. *Order*, ECF 6 (citing Rule 2(c) of the Rules Governing Section 2254 Cases in the United States District Courts). In his *Motion for Reconsideration*, petitioner insists that he alleged "a violation of federal constitutional law, ie, Fourth Amendment, and

federal remedial law ie, the Fourteenth Amendment." *Motion for Reconsideration*, PAGEID# 59. Petitioner also contends that he "makes the specific reference to the lack of state substantive law (Fourth Amendment) invoked for federal jurisdiction, or any other due process provided by law." *Id.* at PAGEID# 60. Petitioner seems to take the position that it is now respondent's obligation to show "the true cause of petitioner's detention." *Id.*

A valid petition for habeas corpus relief under 28 U.S.C. § 2254 must state "the facts supporting each ground. . . ." Rule 2(c) of the Rules Governing Section 2254 Cases in the United States District Courts. It is insufficient to merely refer to the Fourth and Fourteenth Amendments to the United States Constitution without alleging the specific facts that give rise to a constitutional violation. Petitioner has alleged no such facts.

The Motion for Reconsideration, ECF 11, is therefore **DENIED**.

Date: October 29, 2014

s/James L. Graham
James L. Graham
United States District Judge